



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Friday, June 28, 2013 • 8:30 a.m.–3:00 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support Services. Please check the agenda at <http://www.courts.ca.gov/22551.htm> for recent postings of hyperlinked reports.

FRIDAY, JUNE 28, 2013

NON-BUSINESS MEETING—CLOSED (RULE 10.6(A) AND 10.6(B))
BUSINESS MEETING—CLOSED (RULE 10.6(B))

Session **8:30–10:30 a.m.**

Break **10:30–10:45 a.m. (approx.)**

BUSINESS MEETING—OPEN (RULE 10.6(A))

10:45–10:50 a.m. Swearing in of New Council Member
The Chief Justice will administer the oath of office to a new council member.

10:50–10:55 a.m. [Approval of Minutes](#)
Approve minutes of the April 25-26, 2013, Judicial Council meetings.

10:55–11:05 a.m. Chief Justice's Report
Chief Justice Tani G. Cantil-Sakauye will report.

NOTE: Time is estimated. Actual start and end times may vary.

11:05–11:15 a.m. [Administrative Director’s Report](#)
Hon. Steven Jahr, Administrative Director of the Courts, will report.

11:15–11:35 a.m. **Judicial Council Committee Presentations**
[under Committee Reports Tab]

Policy Coordination and Liaison Committee

Hon. Marvin R. Baxter, Chair

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Technology Committee

Hon. James E. Herman, Chair

11:35–11:55 a.m. **Judicial Council Members’ Liaison Reports**
Judicial Council members will report on their liaison work.

11:55 a.m.–12:25 p.m.

Public Comment

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to judicialcouncil@jud.ca.gov or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy Carlisle. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Wednesday, June 26, 2013**. In the request, please state:

- The speaker’s name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker’s e-mail address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences.

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time

allocation to be determined based on the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy Carlisle.

Only written comments received by **1 p.m. on Thursday, June 27, 2013**, will be distributed to council members at the meeting.

CONSENT AGENDA (ITEMS A1–A8 THROUGH B)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

ITEMS A1–A8 RULES AND FORMS

Civil and Small Claims

Item A1 Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor (Action Required)

The Administrative Office of the Courts (AOC) recommends that the Judicial Council amend Appendix B of the California Rules of Court to reflect the biannual adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1 and direct that the AOC publish the adjusted amounts.

Ms. Mary M. Roberts, Chief Counsel

Ms. Anne M. Ronan, Legal Services Office

Item A2 Civil Practice and Procedure: Change in Computation Method for Garnishing Wages in Earnings Withholding Order for Elder and Dependant Adult Financial Abuse (Wage Garnishment) (Action Required)

The Civil and Small Claims Advisory Committee recommends revising *Earnings Withholding Order for Elder and Dependant Adult Financial Abuse (Wage Garnishment)* (form WG-030) to implement recent statutory changes to the method of computing the maximum amount of a judgment debtor's earnings that may be garnished under an earnings

withholding order. Assembly Bill 1775 (Wieckowski; Stats. 2012, ch. 474) mandates that the Judicial Council revise the instructions to employers concerning these computations by July 1, 2013. The recommended amendments to the instructions on form WG-030 are identical to those that the council previously adopted on the *Earnings Withholding Order (Wage Garnishment)* (form WG-002).

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Anne M. Ronan, Legal Services Office

Item A3 Telephone Appearances: Amendment of the Fee Amount (Action Required)

The AOC recommends amending rule 3.670 of the California Rules of Court on telephone appearances. The proposed amendments would increase the fee to appear by telephone in civil cases from \$78 to \$86, effective July 1, 2013, and would make other changes to clarify the operation of the fee provisions in the rule. The changes in the rule are needed at this time to respond to recent legislation and to provide for the amendment of the statewide master agreement for telephone appearance services, which is set to end on June 30, 2013.

Mr. Curt Soderlund, Chief Administrative Officer

Mr. Patrick O'Donnell, Legal Services Office

Item A4 Unlawful Detainer: Answer to Complaint (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *Answer—Unlawful Detainer* (form UD-105) to allow a party to assert, as an affirmative defense, that the landlord terminated or failed to renew a tenancy based on acts against a tenant or a tenant's household member that constitute abuse of an elder or a dependent adult. The revisions to form UD-105 will satisfy a legislative mandate in recent amendments to Code of Civil Procedure section 1161.3 and will incorporate amended statutory text.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Anne Ronan, Legal Services Office

Civil Jury Instructions

Item A5 Civil Jury Instructions (CACI): Additions, Revisions, and Revocations (Action Required)

The Advisory Committee on Civil Jury Instructions recommends approval of the proposed additions and revisions to, and revocations of, the *Judicial Council of California Civil Jury Instructions (CACI)*. These changes will keep CACI current with statutory and case authority.

Hon. H. Walter Croskey, Chair, Advisory Committee on Civil Jury Instructions

Mr. Bruce Greenlee, Legal Services Office

Criminal Justice Realignment

Item A6 Criminal Justice Realignment: Warrants for Supervised Persons (Action Required)

The Criminal Law Advisory Committee recommends the approval of *Warrant Request and Order* (form CR-301) and *Request and Order to Recall Warrant* (form CR-302) for use by supervising agencies and courts to request, order, and recall warrants for the arrest of persons supervised on parole and postrelease community supervision. These new forms are proposed for optional use and designed to facilitate the implementation of recent criminal justice realignment legislation that transferred sole authority to order warrants for the arrest of persons supervised on parole and postrelease community supervision from the California Department of Corrections and Rehabilitation to the superior courts.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Miscellaneous

Item A7 Judicial Branch Education: AOC Staff Education (Action Required)

Rule 10.491 of the California Rules of Court addresses minimum education requirements for AOC executives, managers, supervisors, and other employees. The Rules and Projects Committee recommends amending rule 10.491 regarding AOC staff education to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce.

Hon. Harry E. Hull, Jr., Chair, and Hon. Judith Ashmann-Gerst, Vice-Chair, Rules and Projects Committee

Ms. Susan R. McMullan, Legal Services Office

Item A8 Trial Courts: Trial Court Presiding Judges Advisory Committee Chair Nomination Process (Action Required)

The Trial Court Presiding Judges Advisory Committee recommends amendments to the California Rules of Court, rule 10.46(f), to permit the committee to submit to the Chief Justice one name for appointment as chair of the committee. Currently, the rule requires the committee to submit three nominations.

Hon. Laurie M. Earl, Chair, Trial Court Presiding Judges Advisory Committee

Ms. Deirdre Benedict, Trial Court Liaison Office

Item B Court Facilities: Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2014–2015 (Action Required)

The Court Facilities Advisory Committee recommends the submission of the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year (FY) 2014–2015 to meet the state Department of Finance’s (DOF) July 2013 submission deadline. This

five-year plan accompanies the council's previously directed FY 2014–2015 funding requests to the DOF for the next phase in all SB 1407 projects.

Hon. Brad R. Hill, Chair, and Hon. Patricia M. Lucas, Vice-Chair, Court Facilities Advisory Committee

Hon. Jeffrey W. Johnson, Chair, Courthouse Cost Reduction Subcommittee

Ms. Kelly Quinn, Judicial Branch Capital Program Office

Lunch 12:25–12:55 p.m. (approx.)

DISCUSSION AGENDA (ITEMS NEW AND C–F)

New Item 12:55–1:25 p.m.

Budget: Fiscal Year 2013–2014 Judicial Branch Budget (There are no materials for this item. No action required.)

The Administrative Director of the Courts briefs the council on the fiscal year 2013–2014 judicial branch budget and provides an update on next steps.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. Steven Jahr, Administrative Director of the Courts
 Mr. Curt Soderlund, Chief Administrative Officer
 Mr. Zlatko Theodorovic, Fiscal Services Office
 Mr. Cory Jasperson, Office of Governmental Affairs

Item C 1:25–1:45 p.m.

[Electronic Filing and Service: Rules Allowing the Superior Courts to Mandate Electronic Filing and Service in Civil Cases \(Action Required\)](#)

To implement Assembly Bill 2073, the Court Technology Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending the California Rules of Court to allow superior courts by local rule to require parties to electronically file and serve documents in civil cases, subject to conditions provided by statute and in the rules. The committees also recommend the approval of two new optional Judicial Council forms to be used by parties to request exemptions from mandatory electronic filing and service and by courts to rule on those requests.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Hon. Terence L. Bruiniers, Chair, Court Technology Advisory Committee
 Hon. James E. Herman, Chair, Judicial Council Technology Committee
 Mr. Patrick O'Donnell, Legal Services Office

NOTE: Time is estimated. Actual start and end times may vary.

Item D 1:45–2:00 p.m.

Court Facilities: Court Financial Contributions (Action Required)

The AOC recommends temporarily continuing the limited Court-Funded Facilities Request Procedure, approved at the council’s December 2012 meeting, pending receipt of a report regarding the courts’ existing financial commitments to contribute to facilities costs and the advisability of permitting future such contributions to supplement insufficient state funding.

Public Comment and Presentation (5 minutes) • Discussion (10 minutes)

Speakers: Mr. Curt Soderlund, Chief Administrative Officer
Ms. Eunice Calvert-Banks, Office of Real Estate and Facilities Management

Item E 2:00–2:40 p.m.

AOC Restructuring: Judicial Council Liaisons’ Review of the Legal Services Office and Recommendations (Action Required)

In response to directives of the Judicial Council arising from the Strategic Evaluation Committee’s final report, as Judicial Council Liaisons for the AOC, Legal Services Office (LSO), Justice Douglas Miller and Ms. Edith Matthai are proposing recommendations relating to:

- LSO organizational structure and services;
- The role of the Chief Counsel;
- Attorney services provided by the AOC outside of LSO;
- The use of outside counsel by LSO;
- LSO attorney staff housed in AOC field offices; and
- The use of a paralegal classification in LSO.

Public Comment and Presentation (20 minutes) • Discussion (20 minutes)

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
Ms. Edith Matthai, Member, Judicial Council

Item F 2:40–3:00 p.m.

Judicial Branch Education: Modifications and Revisions Proposed for New Judge Education (Action Required)

At its meeting on February 5, 2013, the CJER Governing Committee accepted a report from a working group it had appointed to review and evaluate CJER’s new judge education programming required under rule 10.463(c)(1) and to submit recommendations to the Governing Committee for consideration. After reviewing the working group’s findings and recommendations, the Governing Committee endorsed the group’s recommendations and is now presenting these (with some modifications made by the committee) to the Judicial Council for consideration and adoption. These recommendations also respond to the council’s directive #80.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Hon. Robert L. Dondero, Chair, CJER Governing Committee

Hon. Mary Ann O'Malley, Member, New Judge Education Workgroup
Mr. Bob Lowney, Center for Judiciary Education and Research

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring](#)

The chair of E&P presents this informational report on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the Judicial Council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

[INFO 2 Administrative Office of the Courts: Report to the Legislature on the Supplementary Schedule of Operating Expenses and Equipment for Fiscal Year 2012–2013](#)

In compliance with the requirements of the Legislative Analyst's Office Supplemental Report of the 2010–2011 Budget Package, this informational report conveys the AOC's Supplementary Schedule of Operating Expenses and Equipment for Fiscal Year 2012–2013.

[INFO 3 Annual Report of the Trial Court Facility Modification Advisory Committee for Fiscal Year 2011–2012](#)

The executive teams of the Court Facilities Working Group and the Trial Court Facility Modification Advisory Committee (TCFMAC) have completed their facility modification funding for fiscal year 2011–2012. To comply with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting its *Annual Report of the Trial Court Facility Modification Advisory Committee for Fiscal Year 2011–2012* for the council's review.

[INFO 4 Court Facilities: Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2012–2013](#)

The TCFMAC has completed their facility modification funding for the second quarter of fiscal year 2012–2013. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2012–2013* as information for the council.

INFO 5 Court Facilities: Trial Court Facility Modification Quarterly Activity Report: Quarter 3, Fiscal Year 2012–2013

The TCFMAC has completed its facility modification funding for the third quarter of fiscal year 2012–2013. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 3, Fiscal Year 2012–2013* as information for the council.

INFO 6 Court Interpreters: Grace Period Policy for Registered Interpreters to Take and Pass Certification Exam in Newly Designated Languages

On March 19, 2013, the Court Interpreters Advisory Panel (CIAP) voted to recommend no change to the grace period policy adopted by the Judicial Council in April 2004, which provides that registered interpreters be allowed three consecutive testing cycles over a period of 18 months to take and pass the bilingual interpreting exam in newly certified languages. The CIAP action followed a February 12, 2013, letter from the California Federation of Interpreters requesting that CIAP take immediate action to extend the grace periods for Khmer and Punjabi. CIAP took no action to modify and/or extend either of the two grace periods. In December 2010, registered Khmer and Punjabi interpreters were provided notice that they would have to take and pass a certification exam.

INFO 7 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 19)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 19th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, four superior courts— those of Orange, Fresno, San Mateo, and Riverside Counties —have issued new notices.

INFO 8 Trial Courts: Quarterly Investment Report for First Quarter of 2013

This *Trial Court Quarterly Investment Report* provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the *Resolutions Regarding Investment Activities for the Trial Courts*, approved by the Judicial Council on February 27, 2004, and report covers the period of January 1, 2013, through March 31, 2013.

INFO 9 Trial Court Trust Fund: Expenditures for Fiscal Year 2012–2013, Third Quarter

In compliance with the requirements of the Budget Act of 2012, this informational report concerns all program and project expenditures made in the third quarter of fiscal year 2012–2013 appropriated from Item 0250–001–0932 of the Budget Act of 2012.

INFO 10 Update on AOC Policy 2.8 (Responding to Requests for Judicial Administrative Records and Information)

Per the council’s direction, this report provides a 6-month status update on the implementation of AOC Policy 2.8 (Responding to Requests for Judicial Administrative Records and Information), which the council approved on December 14, 2012.

Circulating Orders since the last business meeting
[Circulating Orders Tab]

Appointment Orders since the last business meeting
[Appointment Orders Tab]